

April 29, 2013

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte – CG Docket Nos. 03-123, 10-51, and 13-24**
Purple Communications, Inc.

Dear Ms. Dortch:

On April 25, 2013, John Ferron, Chief Executive Officer of Purple Communications, Inc. (“Purple”), John Goodman, Chief Legal Officer for Purple, Tony LaRosa, Chief Technical Officer for Purple, and the undersigned, outside counsel for Purple, had separate meetings with the following FCC staff: (1) Kris Monteith, Rosaline Crawford, Karen Strauss, Eliot Greenwald, Susan Kimmel, Gregory Hlibok, and Robert Aldrich from the Consumer Governmental Affairs Bureau; (2) Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel; (3) Elizabeth Andrion, Chief Counsel to Chairman Genachowski, and Jonathan Chambers, Acting Chief of the Office of Strategic Planning and Policy Analysis; (4) Mark Stephens, Dana Shaffer, and Andrew Mulitz from the Office of Managing Director; (5) Commissioner Pai and Nicholas Degani, Legal Advisor to Commissioner Pai; and (6) Commissioner Clyburn and Angela Kronenberg, Legal Advisor to Commissioner Clyburn. We also had a separate meeting with Nicholas Degani.

The meetings focused on the following topics:

- We discussed the issues raised in Purple’s Request for Immediate Public Notice and emphasized that any Video Relay Service (“VRS”) provider that configures its service and corresponding equipment to block a consumer from leaving a video mail message through a point-to-point call using a competing service must immediately end that practice and be subject to appropriate sanctions.¹
- We emphasized that, in order to foster more robust competition and reduce costs in the VRS marketplace, it is critical that the Commission take steps to create a fair competitive

¹ See Purple’s Request for Immediate Public Notice: VRS Providers May Not Discriminate Against Consumers Using Competing Service Providers in Their Ability to Leave a Video Mail Message, CG Docket Nos. 10-51 and 03-123, filed April 11, 2013. See also Letter from John Goodman, Chief Legal Officer, Purple, to Marlene H. Dortch, Secretary, FCC, Informal Complaint, CG Docket Nos. 03-123 and 10-51, dated April 25, 2013.

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environment that allows smaller providers the opportunity to grow their market shares and increase operating efficiencies. As detailed in Purple's previous filings, these steps include addressing interoperability issues, allowing address book portability, and banning VRS interpreter non-compete agreements.²

- We encouraged the Commission to adopt the VRS rate structure previously proposed by Purple.³ Purple continues to believe that Interstate Telecommunications Relay Service Fund savings can be maximized, and overpayments to providers minimized, by implementing a three-tier rate structure that includes tiers of 0-500,000 minutes per month, 500,000-2,000,000, and 2,000,000 and above. If, however, the Commission adopts a two-tiered structure, we reiterated that the Commission should implement Purple's proposed five-year timeline for reducing rates for low-volume Tier I providers. Purple noted, however, that there are multiple rate structures that it will support – but each needs to be established with tiers and an implementation schedule that considers the Commission's primary goal for the broader reform effort – which is to promote and stimulate a competitive provider marketplace. Purple also emphasized the importance of considering the record evidence regarding provider costs at various scales, and noted that careful consideration must be given by the Commission to any rate structure that materially reduces lower-share VRS providers' compensation levels prior to such time as the competition-enabling reforms in a future order are afforded a full opportunity to take effect.
- We emphasized the importance of the Commission maintaining payments to VRS providers that are predictable and consistent. Doing so is necessary to provide the financial certainty and long-term predictability required for companies to invest and, in turn, cultivates more robust competition and greater efficiencies.⁴
- We urged the Commission to take action on Purple's request for a limited waiver of the March 7, 2013, effective date for the interim rule requiring that IP CTS equipment and services operate with a default setting of "captions off" so that new and existing users must affirmatively turn on captioning for each telephone call initiated or received before captioning is provided.⁵ We reiterated that, due to Purple's aggressive efforts to comply with the interim rule, Purple is already in compliance with the rule with respect to equipment in

² See, e.g., Purple's Comments, CG Docket Nos. 10-51 and 03-123, dated April 16, 2013 ("Purple April 16 Comments"); see also Letter from Monica Desai, Counsel, Purple, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, CG Docket Nos. 13-24, 03-123, 10-51, filed March 11, 2013.

³ See Purple April 16 Comments.

⁴ See Purple April 16 Comments at 4-5.

⁵ See Purple's Petition for Limited Waiver, CG Docket Nos. 13-24 and 03-123, filed March 1, 2013; see also Purple's Addendum to Petition for Limited Waiver, CG Docket Nos. 13-24 and 03-123, filed March 14, 2013.

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the homes of consumers, and anticipates being able to confirm full compliance at all employer locations not later than July 31, 2013. Thereafter, Purple commits to maintaining each device in full compliance with the new "default off" requirements for at least 180 days from the date such device becomes compliant.⁶

- Finally, we urged the Commission to investigate and impose sanctions against any company engaging in anticompetitive behavior in the VRS marketplace. We explained that the FCC must send a strong message that violating rules and policy will not be tolerated, and that enforcement of existing rules will foster a more competitive marketplace, increase efficiencies, and reduce costs.

Respectfully submitted,



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⁶ See Letter from Monica Desai, Counsel, Purple, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, CG Docket Nos. 13-24 and 03-123, filed April 18, 2013.